

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
January 09, 2008

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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning. Welcome to the George W. Norris Legislative Chamber for the first day of the One Hundredth Legislature, Second Session. Our chaplain for today is Senator Kruse. Would you all please rise. []

SENATOR KRUSE: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Senator Kruse. If you would all still remain standing, we will now have the Presentation of Colors by the Nebraska Army and Air National Guard. []

PRESENTATION OF COLORS []

PRESIDENT SHEEHY: Thank you to the members of our Nebraska Army and Air National Guard. Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundredth Legislature, Second Session of the Legislature of Nebraska, assembled in George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m. on Wednesday, January 9, 2008, is now called to order. Will senators please record your presence. Please record, Mr. Clerk. []

CLERK: (Roll read, Legislative Journal page 61.) I have a quorum present, Mr. President. []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. The Chair recognizes Senator Hudkins. []

SENATOR HUDKINS: Thank you, Mr. President. I move that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted, pursuant to Rule 2, Section 1, provided that the temporary rules shall not continue after the tenth legislative day. []

PRESIDENT SHEEHY: Thank you, Senator Hudkins. The motion before you is the adoption of temporary rules. All those in favor say aye. All those opposed say nay. The motion is adopted. Mr. Clerk, any letters of resignation or appointment letters? []

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CLERK: Mr. President, I do. I have a letter of resignation from Senator Mick Mines regarding his termination of service and submission of resignation effective October 31, 2007. Pursuant to that communication, Mr. President, I received a communication from the Governor appointing Mr. Scott Lautenbaugh to fill the vacancy in District 18 created by the resignation of Senator Mines. Pursuant to that appointment, I have an appointment letter from the Governor, oath of office as attested and signed by Senator Lautenbaugh, and other appropriate paperwork. (Legislative Journal pages 62-64.) []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Do you have messages, reports, or announcements? []

CLERK: I do, Mr. President. First of all, I have the official roster of the Nebraska Unicameral Legislature for the One Hundredth Legislature, Second Session, to be inserted in the Journal. I have a series of appointment letters from the Governor: appointments to various divisions within the Nebraska Department of Health and Human Services; appointment to the Liquor Control Commission; appointment as the Property Tax Administrator; appointment to the Tax Equalization and Review Commission; to the Nebraska Education Telecommunications Commission; to the Board of Public Roads Classifications and Standards; appointments to the Board of Parole; to the State Personnel Board; to the Foster Care Review Board; to the Tax Equalization and Review Commission; to the Nebraska Ethanol Board; to the State Electrical Board; to the Environmental Quality Council; to the Commission of Industrial Relations; to...one of the directors within the Department of Health and Human Services; the Climate Assessment Response Committee; State Highway Commission; appointments to the Emergency Medical Services Board; appointments to the Nebraska Game and Parks Commission; to the Environmental Quality Council; to the Motor Vehicle Industry Licensing Board; to the Beginning Farmer Board; to the Board of Educational Lands and Funds; to the...appointment as the Adjutant General; appointments to the Nebraska Arts Council; appointment to the Nebraska Game and Parks Commission; appointment to the Investment Council; to the Child Abuse Prevention Fund Board; reappointment to the Tax Equalization and Review Commission; series of appointments to the Rural Health Advisory Commission; appointments to the Beginning Farmer Board; the Director of Insurance for the state of Nebraska; appointments to the Coordinating Commission for Postsecondary Education; appointments to the Board of Public Roads Classifications and Standards; to the Coordinating Commission for Postsecondary Education; to the Public Employees Retirement Board; a reappointment to the Tax Equalization and Review Commission; to the State Board of Health; to the Rural Health Advisory Commission; to the State Fair Board; to the Board of Public Roads Classifications and Standards; to the Commission for the Blind and Visually Impaired; to the Nebraska State Colleges; to the Nebraska Railway Council; to the State Foster Care Review Board; to the...and an appointment from the Secretary of State to the Nebraska Accountability and Disclosure Commission.

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All of those will be referred to Reference for a referral to standing committee for confirmation hearing. Attorney General Opinions addressed to Senator Engel...one to Senator Engel, I should say; a second opinion to Senator Flood. A series of reports, Mr. President, reports received and on file in the Clerk's Office from the following agencies or boards and commissions: the Department of Administrative Services; the Legislative Agriculture Committee; Department of Agriculture; the Nebraska Arts Council; State Athletic Commission; the Attorney General; the Auditor of Public Accounts; Community Corrections Council; the Dairy Industry Development Board; the Economic Development Department; Educational Lands and Funds; the Department of Environmental Quality; the Nebraska Ethanol Board; State Fire Marshal; Legislative Fiscal Office; the Game and Parks Commission; the Department of Health and Human Services; the Department of Insurance; the Nebraska Investment Council; the Nebraska Investment Finance Authority; the Department of Labor; the Natural Resources Department; the Performance Audit Committee of the Legislature; the Power Review Board; the Propane Education and Research Safety Council; Public Service Commission; Legislative Research Division; Public Employees Retirement Systems; the Department of Revenue; Department of Roads; Southeast Community College; Special Education Services Task Force; the State Fair Board; the Nebraska Supreme Court; the Tax Policy Reform Commission; and the Nebraska Workers' Compensation Court. Those will be on file in the Clerk's Office and available for member review. Series of communications, Mr. President: communication from the state of Montana; and communications from the city of Omaha, the city of Seward, and the city council of Lincoln. Mr. President, report from the Secretary of State regarding...pursuant to Article XII, Section 8 of the Nebraska Constitution; a declaration by the Governor with respect to the proclamation declaring January 5 as the George W. Norris Day. And, Mr. President, finally this morning I have a series of proposed rules changes, several from Senator Hudkins, as Chair of the Rules Committee; also a proposed rules change from Senator Erdman. All of those will be referred to the Rules Committee for purposes of public hearing. And that's all that I have at this time, Mr. President. (Legislative Journal pages 65-105.) []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. The Chair now recognizes Speaker Flood. []

SPEAKER FLOOD: Thank you very much, Mr. President, members. First of all, would like to welcome everybody back to the 2008 Legislative Session. We'd especially like to welcome Senator Lautenbaugh who is here with us today for his first day in the Legislature, legislative session. We welcome you to the Legislature. (Applause) Would also ask that you keep Senator Harms in your thoughts and prayers as he will be joining us later in the month and we wish him and his family all the best as he continues to recover. As far as this morning, I just wanted to share with you some thoughts about our schedule. I know that I dropped a memo off, but also for the benefit of citizens and those watching today, tomorrow we will begin at 10:00 a.m. We'll go to 12:30 or sooner,

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depending on the number of bills that are introduced tomorrow and the time it takes the Clerk's Office to process those bills. On Friday we will begin at 9:00 in the morning. It's my intention to debate the 2008 Session permanent rules. We'll adjourn before lunch if the rules are done. If the rules aren't done, we'll come back at 1:30 and we'll finish them off in the afternoon. Next week and the first day of each work week, we will start at 10:00 in the morning. If Monday is a recess day, then Tuesday we'll start at 10:00 a.m. for the rest of the session, unless otherwise you are notified. Next week we will begin a full day of debate every day except January 18 because next Friday, a week from this Friday, I plan to adjourn around noon. Half days begin with committee hearings on the 22nd. And briefly, with regard to priority bills, we're going to begin accepting those tomorrow. We could begin debating priorities as early as next week. I want to reassure you, though, the order in which you file your priority doesn't necessarily mean that you're going to have your bill immediately up. So if you have a bill that's in committee, you're not sure if it's going to come out, there's no benefit to you to prioritize it just to get it in early. There's absolutely no benefit. And with that, I just appreciate your attention and look forward to a good session. Welcome back. []

PRESIDENT SHEEHY: Thank you, Speaker Flood. We will now move to introduction of new bills. Mr. Clerk. []

CLERK: Mr. President, new bills. (Read LB706-727 by title for the first time, Legislative Journal pages 105-109.) [LB706 LB707 LB708 LB709 LB710 LB711 LB712 LB713 LB714 LB715 LB716 LB717 LB718 LB719 LB720 LB721 LB722 LB723 LB724 LB725 LB726 LB727]

PRESIDENT SHEEHY: Mr. Clerk, do you have an announcement? []

CLERK: Mr. President, the Government Committee, Government Committee will meet in Room 2022 now; Government Committee, Room 2022 now. []

PRESIDENT SHEEHY: Also, the body will stand at ease while legislative bills are being processed. Mr. Clerk, do you have legislative bills for introduction? []

ASSISTANT CLERK: Mr. President, I do. (Read LB728-755 by title for the first time.) And that's all I have at this time, Mr. President. (Legislative Journal pages 109-113.) [LB728 LB729 LB730 LB731 LB732 LB733 LB734 LB735 LB736 LB737 LB738 LB739 LB740 LB741 LB742 LB743 LB744 LB745 LB746 LB747 LB748 LB749 LB750 LB751 LB752 LB753 LB754 LB755]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Mr. Clerk, we'll continue with introduction of new bills. []

CLERK: (Read LB756-781 by title for the first time, Legislative Journal pages 113-117.)

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PRESIDENT SHEEHY: Mr. Clerk, we will continue to proceed with introduction of new bills. []

CLERK: (Read LB782-795 by title for the first time.) Mr. President, a new resolution: LR220CA is offered by Senator Kopplin, proposes an amendment to Article VIII, Section 1 of the Nebraska Constitution. I have some amendments to be printed, Mr. President: Senator Johnson to LB246, Senator Rogert to LB253. Announcements: Rules Committee will meet in...I'm sorry, Rules Committee will conduct their public hearing today, Mr. President, at 1:30 to consider proposed rules changes; Rules Committee at 1:30 today in Room 1524. An announcement that Senator Rogert has been selected as Vice Chair of the Government, Military and Veterans Affairs Committee. Senators Gay and Fulton would like to add their name to LB157 as cointroducers. (Legislative Journal pages 117-122.) [LB782 LB783 LB784 LB785 LB786 LB787 LB788 LB789 LB790 LB791 LB792 LB793 LB794 LB795 LR220CA LB246 LB253 LB157]

And, Mr. President, priority motion: Senator Dierks would move to adjourn until Thursday morning, January 10, at 10:00 a.m. []

PRESIDENT SHEEHY: The question before the body is the motion to adjourn until Thursday morning, 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned. []